

1 Title 5. EDUCATION

2 Division 1. State Department of Education

3 Chapter 6. Certificated Personnel

4
5 Add Subchapter 7, Article 1, Section 6100 to read:

6 **Subchapter 7. No Child Left Behind Teacher Requirements**

7 **Article 1. General**

8 **§ 6100. Definitions.**

9 For purposes of No Child Left Behind Teacher Requirements, the following definitions shall
10 apply:

11 (a) Advanced Credentialing: A teacher who has achieved National Board Certification
12 is considered to have Advanced Credentialing.

13 (b) Credential: A Preliminary, Professional Clear or Life Credential, or any teaching credential
14 issued under prior statutes, that authorizes a person to teach in California K-12 schools.

15 (c) Elementary, Middle and High School: The local educational agency shall determine, based on
16 curriculum taught, by school site, or by each grade at the school site, if appropriate, whether a teacher is
17 hired to teach elementary, middle or high school.

18 (d) First Day of School: The first day of school is the first day of school that students
19 report to the school per the district school calendar.

20 (e) Grade Span: The local educational agency shall determine, based on curriculum taught, which
21 grades shall be included in the elementary, middle, or high school grade spans.

22 (e)(f) Hired: A teacher is hired when they accept employment at the school district. The date a
23 teacher is hired is not affected by a change of assignments or schools within the district. The date a
24 teacher is hired in a district does not affect a teacher's "new" or "not new" to the profession status.

25 (g) Major Equivalent: Thirty-two nonremedial semester units in a particular discipline from an
26 accredited institution of higher education shall constitute the equivalent to a major.

27 (f)(h) Teacher New to the Profession: A teacher is new to the profession if they have graduated
28 from an accredited institution of higher education and received a credential, or began an approved intern
29 program, on or after July 1, 2002.

30 (g)(i) Teacher Not New to the Profession: A teacher is not new to the profession if they
31 graduated from an accredited institution of higher education and received a credential, or were enrolled
32 in, or had completed, an approved intern program before July 1, 2002.

33 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)
34 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December
35 19, 2002.

1 *Add Article 2, Sections 6101 through 6104 to read:*

2 **Article 2. Elementary Level Teachers**

3
4 **§ 6101. Elementary Teachers.**

5 A teacher who meets NCLB requirements at the elementary level is one who:

6 (1) Holds at least a bachelor's degree, and

7 (2) Is currently enrolled in an approved intern program for less than three years or has a
8 credential, and

9 (3) Meets the applicable requirements in Section 6102 or 6103.

10 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)
11 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December
12 19, 2002.

13 **§ 6102. Elementary Teachers New to the Profession.**

14 A teacher who meets the NCLB requirements and is new to the profession at the
15 elementary level, in addition to having at least a bachelor's degree and either being currently enrolled in
16 an approved intern program for less than three years or holding a credential, must have passed a validated
17 statewide subject matter examination certified by the Commission on Teacher Credentialing.

18 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)
19 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December
20 19, 2002.

21 **§ 6103. Elementary Teachers Not New to the Profession.**

22 A teacher who meets NCLB requirements and is not new to the profession at the elementary
23 level, in addition to having at least a bachelor's degree and either being currently enrolled in an approved
24 intern program for less than three years or holding a credential, must have completed one of the
25 following:

26 (1) A validated statewide subject matter examination ~~certified by that~~ the Commission on Teacher
27 Credentialing ~~has utilized to determine subject matter competence for credentialing purposes.~~

28 ~~(2) In lieu of the high objective uniform state standard evaluation in subsection 3, National Board~~
29 ~~Certification.~~

30 ~~(2)(3)~~ A high objective uniform state standard evaluation conducted pursuant to Section 6104 and
31 in conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662, to
32 determine the teacher's subject matter competence in each of the academic subjects taught by the teacher.

33 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)
34 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December
35 19, 2002.

1 **§ 6104. High Objective Uniform State Standard Evaluation.**

2 **(a) The high objective uniform state standard evaluation shall consist of two parts. The first**
3 **shall be a summation of (i) years of experience teaching in the grade span or subject, (ii) core**
4 **academic coursework in assigned grade span or subject, (iii) in-depth standards aligned**
5 **professional development, and (iv) service to the profession in the relevant core academic content**
6 **area. In no event shall (i) years of experience account for more than half of the total necessary to**
7 **demonstrate subject matter competency. The second part shall consist of direct observation and**
8 **portfolio assessment in the grade span or subject taught. The second part of the high objective**
9 **uniform state standard evaluation will only be conducted if Part One does not identify sufficient**
10 **experience, coursework, professional development or service to demonstrate subject matter**
11 **competence.**

12 **(b)(a) The high objective uniform state standard evaluation ~~observation and portfolio section~~**
13 **(Part Two) may shall be conducted at the time and by the means utilized to satisfy Education Code**
14 **section 44662, except that (1) subject matter shall be defined as the State Academic Content Standards for**
15 **the grades and subjects taught, and (2) competency shall be demonstrated by satisfactorily meeting**
16 **standards 3 and 5.1 of the California Standards for the Teaching Profession. The demonstration of subject**
17 **matter competence shall include some combination one or more of the following:**

18 **(1) Classroom observation,**

19 **(2) Demonstration of knowledge of the appropriate grade-level and subject State Academic**
20 **Content Standards, and**

21 **(3) Portfolio review of lesson plans and student work for one academic year.**

22 **(b) This one time demonstration of subject matter competence shall be evaluated by a person or**
23 **persons knowledgeable in the State Academic Content Standards for the grade and subject for which the**
24 **teacher is demonstrating competency.**

25 **(c) Local educational agencies shall conduct the high objective uniform state standard evaluation**
26 **by completing Form 1 – NCLB Teacher Requirements: Certificate of Compliance (revised November 12,**
27 **2003), Form 2 – California High Objective Uniform State Standard of Evaluation, CALIFORNIA**
28 **HOUSEE, Part 1 – Assessment of Qualifications and Experience (revised November 12, 2003), and Form**
29 **3 - California High Objective Uniform State Standard of Evaluation, CALIFORNIA HOUSSSE, Part 2 –**
30 **Assessment of Current Qualifications through Classroom Observation and/or Portfolio Development**
31 **(revised November 12, 2003), as appropriate. Forms 1, 2, and 3 are hereby incorporated by reference into**
32 **this section.**

33 **(e)(d) A teacher's supervising administrator shall be responsible for overseeing the high**
34 **objective uniform state standard evaluation, and shall consult, if necessary, with a person or**
35 **persons knowledgeable in the State Academic Content Standards for the grade span or subject for**
36 **which the teacher is demonstrating subject matter competency. A teacher must demonstrate**

subject matter competency only once for each grade span or subject taught.

(e)(d)(e) If the teacher does not satisfactorily meet standards 3 and 5.1 of the California Standards for the Teaching Profession as part of the NCLB evaluation, then subject matter competency shall be demonstrated through completion of the Peer Assistance and Review Program for Teachers or other individualized professional development plan, pursuant to Education Code section 44664, aimed at assisting the teacher to meet standards 3 and 5.1 of the California Standards for the Teaching Profession. NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 3, Section 6110 to read:

Article 3. Middle and High School Level Teachers

§ 6110. Middle and High School Teachers.

A teacher who meets NCLB requirements at the middle and secondary levels is one who:

(1) Holds at least a bachelor's degree, and

(2) Is currently enrolled in an approved intern program for less than three years or has a full credential, and

(3) Meets at least one of the applicable requirements in Section 6111 or 6112.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6111. Middle and High School Teachers New to the Profession.

A teacher who meets NCLB requirements and is new to the profession at the middle and high school levels, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential in the subject taught, must have passed or completed one of the following for every core subject currently assigned:

(1) A validated statewide subject matter examination certified by the Commission on Teacher Credentialing,

(2) University subject matter program approved by the Commission on Teacher Credentialing,

(3) Undergraduate major in the subject taught,

(4) Graduate degree in the subject taught, or

(5) Coursework equivalent to undergrad major.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

1 **§ 6112. Middle and High School Teachers Not New to the Profession.**

2 A teacher who meets NCLB requirements and is not new to the profession at the middle and high
3 school levels, in addition to having at least a bachelor's degree and either being currently enrolled in an
4 approved intern program for less than three years or holding a credential, must have passed or completed
5 one of the following for every core subject currently assigned:

6 (1) A validated statewide subject matter examination ~~certified by that~~ the Commission on Teacher
7 Credentialing has utilized to determine subject matter competence for credentialing purposes.

8 (2) University subject matter program approved by the Commission on Teacher Credentialing,

9 (3) Undergraduate major in the subject taught,

10 (4) Graduate degree in the subject taught,

11 (5) Coursework equivalent to undergrad major,

12 (6) Advanced certification or credentialing (National Board Certification), or

13 (7) The high objective uniform state standard evaluation pursuant to Article 2, Section 6104.

14 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)
15 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December
16 19, 2002.

17
18 *Add Article 4, Section 6115 to read:*

19 **Article 4. Teachers Not Meeting NCLB Teacher Requirements**

20 **§ 6115. Teachers Not Meeting NCLB Teacher Requirements.**

21 A teacher does not meet the NCLB teacher requirements for the core academic subject taught if:

22 (1) Teaching with an Emergency Permits, or

23 (2) Teaching with a supplemental authorization (except where the supplemental authorization is
24 based on a major or a major equivalent in the subject taught) or a local authorizations for the subject
25 taught, or

26 (3) Teaching with state or local waivers for the grade or subject taught, or

27 (4) Teaching as a pre-intern.

28 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)
29 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December
30 19, 2002.

31
32 *Add Article 5, Section 6120 to read:*

33 **Article 5. One Time Compliance**

34 **§ 6120. One Time Compliance.**

35 Once a school district has determined that a teacher meets the NCLB Teacher Requirements for
36 the grade level ~~span~~ and/or subject taught, that teacher will not be required to demonstrate that they meet

1 the requirements again for the same grade ~~span level~~ and/or subject taught, even if they are later hired by
2 another school district in California.

3 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)
4 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December
5 19, 2002.

6
7 *Add Article 6, Section 6125 to read:*

8 **Article 6. Teachers from Out-of-State**

9 **§ 6125. Teachers from Out-of-State.**

10 Teachers who have been found to meet subject matter competency requirements of NCLB in
11 another State **outside of California** shall also be considered to have met those requirements for that
12 particular subject and/or grade span in California. California's credentialing reciprocity with other States
13 is not affected by the requirements of NCLB.

14 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)
15 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December
16 19, 2002.

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